

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re PAYMENT CARD INTERCHANGE	:
FEE AND MERCHANT DISCOUNT	:
ANTITRUST LITIGATION	:
	:
	14-md-01720 (JG) (JO)
This Document Relates To:	:
	:
<i>7-Eleven, Inc., et al. v. Visa Inc., et al.,</i>	:
No. 13-cv-5746 (E.D.N.Y.) (JG) (JO)	:
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	:
<i>Buc-ee's Ltd. v. Visa International Service</i>	:
<i>Association, et al.,</i>	:
No. 13-cv-3473 (E.D.N.Y.) (JG) (JO)	:
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STIPULATION AND PROPOSED ORDER

WHEREAS, on or about May 28, 2013, plaintiff Buc-ee's Ltd. ("Buc-ee's") in *Buc-ee's Ltd. v. Visa International Service Association, et al.*, No. 13-cv-3589 (S.D.N.Y.) (the "Buc-ee's Action") filed a Complaint (the "Buc-ee's Complaint") against Defendants Chase Bank USA, N.A., JP Morgan Chase & Co., JP Morgan Chase Bank, N.A., MasterCard Incorporated, MasterCard International Incorporated, Paymentech, LLC, Visa Inc., Visa International Service Association, and Visa U.S.A. Inc. (collectively, the "Buc-ee's Defendants");

WHEREAS, the Judicial Panel on Multidistrict Litigation (the "JPML") subsequently transferred the Buc-ee's Action to this Court for coordinated or consolidated pretrial proceedings in MDL 1720;

WHEREAS, on or about July 9, 2013, plaintiffs in *7-Eleven, Inc. v. Visa Inc.*, No. 13-cv-4442 (S.D.N.Y.) (AKH) (the "7-Eleven Plaintiffs," the "7-Eleven Action"), filed a Complaint (the "7-Eleven Complaint") against Defendants Visa Inc., Visa U.S.A. Inc., Visa International

Service Association, MasterCard Incorporated, MasterCard International Incorporated, Bank of America Corporation, Bank of America, N.A., FIA Card Services, N.A., JPMorgan Chase & Co., Chase Bank USA, N.A., Chase Paymentech Solutions, LLC, JPMorgan Chase Bank, N.A., Citigroup Inc., Citibank, N.A., Citicorp Payments Services, Inc., Wells Fargo & Company, and Wells Fargo Bank, N.A. (collectively, the “7-Eleven Defendants”);

WHEREAS, on August 30, 2013, the 7-Eleven Plaintiffs filed an amended complaint (the “7-Eleven Amended Complaint”);

WHEREAS, the JPML subsequently transferred the 7-Eleven Action to this Court for coordinated or consolidated pretrial proceedings in MDL 1720;

WHEREAS, the 7-Eleven Defendants and the Buc-ee’s Defendants filed a motion to dismiss directed at all the opt-out complaints in MDL 1720, including the 7-Eleven Amended Complaint and the Buc-ee’s Complaint, on March 13, 2014;

WHEREAS, the 7-Eleven Plaintiffs request the 7-Eleven Defendants’ consent to amend the 7-Eleven Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), solely for the purpose of adding new opt-out plaintiffs by no later than April 28, 2014, in a manner that shall not affect the paragraph numbering of the 7-Eleven Amended Complaint referenced in the 7-Eleven Defendants’ motion to dismiss, and the 7-Eleven Defendants consent to that request;

WHEREAS, the 7-Eleven Plaintiffs and Buc-ee’s intend to add Buc-ee’s as an opt-out plaintiff in amending the 7-Eleven Amended Complaint by April 28, 2014, and to dismiss the Buc-ee’s Action, and Buc-ee’s and the Buc-ee’s Defendants consent to the dismissal of the Buc-ee’s Action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the parties:

1. Defendants give their consent for the 7-Eleven Plaintiffs to amend the 7-Eleven Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), provided that such an amended complaint (the “7-Eleven Second Amended Complaint”) (a) only adds additional opt-outs as plaintiffs, (b) is filed on or before April 28, 2014, and (c) does not affect the paragraph numbering of the 7-Eleven Amended Complaint referenced in the 7-Eleven Defendants’ pending motion to dismiss.

2. The 7-Eleven Defendants agree to accept service of the 7-Eleven Second Amended Complaint by email.

3. Buc-ee’s will file within two business days after execution of this stipulation an executed notice of voluntary dismissal of the Buc-ee’s Action in the form attached as Exhibit A.


4. The 7-Eleven Defendants’ motion to dismiss will apply equally to Buc-ee’s and any other plaintiffs added in the 7-Eleven Action Second Amended Complaint, and they will join in the 7-Eleven Plaintiffs’ opposition to that motion due on April 28, 2014. The 7-Eleven Defendants will not be required to file an amended motion in response to the 7-Eleven Action Second Amended Complaint.

5. Nothing in this Stipulation and Proposed Order shall prejudice Plaintiffs’ ability to seek leave of the Court in the future to amend the Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2).

6. This Stipulation may be executed in counterparts and facsimile signatures shall be deemed valid and original signatures.

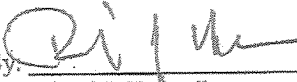
DATED: New York, New York
March 26, 2014

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So ordered:

Hon. John Gleeson

Dated:

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTITRUST LITIGATION :

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NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO RULE 41(a)(1)(A)

Pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, the Plaintiff

Buc-ee's Ltd. and its counsel hereby give notice that the above captioned action is voluntarily
dismissed, without prejudice against the defendants.

DATED: New York, New York
March __, 2014

By: _____

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